

CANADIAN COUNCIL FOR REFUGEES



National Networking Meeting on Trafficking Meeting and Workshop Report

January 2012

Canadian Council for Refugees
National Networking Meeting on Trafficking

Table of Contents

I. Introduction	3
II. Consolidating a pan-Canadian NGO network on trafficking: CCR’s work on trafficking.....	3
III. Information-exchange	5
IV. Current Political Context and Policy Concerns	7
V. Proposals for action: Next steps and strategies	10
VI. Workshop on Serving Trafficked Persons	11
VII. Outcomes of the Workshop.....	15
VIII. Conclusion	15
APPENDIX A: Presentations	16
APPENDIX B: Backgrounder for National Networking Meeting on Trafficking	25
APPENDIX C: Fiche d’information pour la Rencontre nationale de réseautage sur la traite de personnes.....	27

I. Introduction

The *National Networking Meeting on Trafficking* was a national initiative led by the Canadian Council for Refugees (CCR) on November 23, 2011. The meeting offered a space for information exchange and strategizing on protection, awareness-raising and services to trafficked persons in Canada.

The objectives of the meeting were:

- To strengthen our NGO anti-trafficking network across the country;
- To share experiences, responses and effective strategies;
- To develop strategies to advance the protection of trafficked persons.

Approximately 80 individuals participated in the meeting. The participants included representatives of service-providing, policy and other NGOs, academics and others involved in work on trafficking.

The meeting included brief introductory presentations by members of the CCR Anti-Trafficking Committee before each session, followed by an open discussion among all participants. A Workshop on *Serving Trafficked Persons* was held the next day, November 24, 2011, as part of the CCR Fall Consultation.

II. Consolidating a pan-Canadian NGO network on trafficking: CCR's work on trafficking

This session offered a brief introduction and review of the CCR network and activities. Janet Dench, CCR Executive Director, and Christina Harrison-Baird, PACT-Ottawa Chair and former CCR Trafficking Project Coordinator, presented an overview of the CCR's work on trafficking and the objectives and outcomes of a project carried out between 2010 and 2011, with funding from Justice Canada.

Janet Dench, CCR Executive Director

In 2000, the CCR became interested in the UN Convention Against Transnational Organized Crime. The CCR initiated its work on trafficking through its Gender Issues Core Group, acknowledging the needs of trafficked women in Canada and the role of immigrant service organizations in responding to their needs.

Between 2003 and 2004, the CCR organized a series of meetings, regionally and nationally, with the goal of developing the capacity among Canadian NGOs to respond to the needs of trafficked persons and to work towards the eradication of forced labour in Canada. Recommendations were developed as a product of these meetings.¹ Among these, the CCR decided to prioritize two main goals: increasing public awareness on trafficking in Canada and working for the protection of trafficked persons.

These efforts have been overseen by the CCR's Anti-Trafficking Committee, made up of regional representatives involved in their own cities (currently from Vancouver, Edmonton, Winnipeg, Windsor, London, Toronto, Ottawa and Montreal). The primary roles of the

¹ The report of these meetings is available at <http://ccrweb.ca/files/ccrtrafficking.pdf>

Committee are to support networking across regions, to provide guidance and leadership to the work of the CCR in the area of trafficking, and to organize workshops at CCR consultations. The Committee meets principally by conference call. Given that the CCR's expertise is with newcomers, the emphasis of its work on trafficking is on the trafficking of foreign nationals in Canada.

Since 2004, the CCR has organized a number of workshops on aspects related to trafficking at national CCR consultations, ensured information exchange, and offered comments on government policy affecting trafficked persons. In 2007, the CCR adopted a *Proposal for legislative amendment to protect trafficked persons* and developed resources to support this proposal.² In addition, in 2009 the CCR held a National Forum in Windsor, Ontario, that acknowledged the need to improve services to and protection of trafficked non-citizens in Canada.³

From 2010 to 2011, the CCR launched Phase I of a Trafficking Project on *Supporting effective awareness-raising and services across Canada for trafficked persons*, under the coordination of Christina Harrison-Baird. The project, funded by the Department of Justice Canada, involved: developing contacts with NGOs across Canada who are or may be interested in trafficking, and collecting useful resources to build a database. Through the project, the CCR developed an online database on human trafficking resources,⁴ offering access to tools to support work in the realm of awareness-raising and of service provision. Given that the majority of tools found were in the area of awareness-raising, a workshop focusing on services for trafficked persons was organized to follow this Trafficking Meeting. As a result of the project, the CCR also developed an extensive database of organizations in Canada interested in trafficking.

The CCR would like to continue to support:

- The development and sustaining of a pan-Canadian NGO network on trafficking, outreach and awareness-raising;
- Services to trafficked persons by promoting best practices, tools and strategies;
- Protection for trafficked persons through effective policies and practices, and dialogue with government.

Christina Harrison-Baird, PACT-Ottawa Chair

Since November 2010, the CCR has been carrying out a countrywide project on human trafficking. The project has focused primarily on areas in which stakeholders were lacking communication and coordination, including networking, outreach and awareness-raising, and best practices in services for trafficked persons. In the realm of awareness-raising, the primary goals of the project were:

- To collect best practices in outreach and awareness-raising about trafficking, based on NGO experiences to date;

² <http://ccrweb.ca/en/trafficking-action>

³ <http://ccrweb.ca/files/traffickingforumreport09.pdf>

⁴ Online database available at: <http://ccrweb.ca/en/trafficking-resources>.

- To make contacts in regions not currently part of the network and/or where little outreach on trafficking has been done; and
- To identify NGO needs for further tools to support outreach and awareness-raising.

In the realm of services to trafficked persons, the project aimed: to collect best practices in services to trafficked persons based on NGO experiences to date, and to identify NGO needs for further tools to support services to trafficked persons. The result has been the creation of two databases: one of organizations and the other of tools, and the identification of some gaps.

The organization database holds information on 150 committees and organizations working on human trafficking, with at least one contact in each province. Organizations within the database are Canadian, non-governmental, (i.e. not police and not federal, provincial or municipal departments), working inside Canada, and either working to raise awareness of human trafficking in Canada or providing services to trafficked foreign nationals in Canada (i.e. not native women's associations providing services to Canadian citizens).

The tools database provides access to two categories of resources: tools for outreach and awareness-raising, and tools for service provision. The database currently compiles approximately 75 pamphlets, posters, films, toolkits, standards, recommendations, handbooks and compilations of resources.

In May 2011, a workshop on *Responding to Trafficked Persons* was held as part of the CCR Spring Consultation in Hamilton. Part of this workshop was dedicated to examining further needs in tools for working with trafficked persons and ideas for next steps. One of the principal gaps identified at the workshop was the need for start-up materials that can respond to the increase in both general awareness of trafficking issues, and awareness-raising efforts by different organizations. Such tools are also necessary to meet the training needs of professionals from different occupational backgrounds who might encounter trafficked persons, and to ensure they are prepared to adequately respond to their needs.

III. Information-exchange

During this session, participants were asked to give short answers for 3 specific questions: (a) What are the main challenges you are facing? (b) Have you seen any changes in cases of trafficking? (c) What strategies have worked for you in dealing with cases of trafficking? Common themes and key issues discussed among participants were assembled and revised alongside existing gaps and next steps.

a) Main challenges faced

The following challenges were identified by participants:

Services

- It is difficult to find organizations that understand human trafficking and can provide adequate services that address the needs of trafficked persons (counselling, lawyers).
- Finding safe accommodation for trafficked persons is problematic, especially for male victims of trafficking.

- Shelters are not always adapted to the needs of trafficked persons. Trafficked foreign nationals also have different needs.
- Language and interpretation is a challenge when working with trafficked persons.
- The targeted population is always the same. Limited or no attention is given to remote areas.
- Lack of training and consistency among different agencies (i.e. law enforcement and immigration officers).

Awareness

- There is not enough awareness among different ethnic groups. Specialized programs are needed to serve this purpose.

Coordination and communication

- There is a lack of coordination and communication among groups offering services to trafficked persons. New groups are regularly being created and initiatives are repeated. There is a need to develop a mechanism for information-exchange to build from existing capacities and to become familiar with different organizations' mandates and objectives.
- Better communication and collaboration efforts between law enforcement, immigration officers, service providers and NGOs are necessary.
- There is a need to designate a case coordinator to manage individual cases and to guarantee trafficked persons receive all necessary services, medical attention and safe shelter, and that all legal documentations are in place.

Domestic and international trafficking

- Domestic cases of trafficking tend to focus more on the sex trade. Dealing with international cases of trafficking is more challenging.
- Persons trafficked internationally lack protection.
- Temporary Resident Permits (TRPs) are problematic and do not provide a solution.
- Temporary Foreign Worker Program creates conditions that are ripe for exploitation.
- The legalization of prostitution may increase cases of trafficking.

Identification of trafficked persons and data collection

- It is difficult to collect data on the number of trafficking cases and calls received.
- Identification protocols vary between different agencies (RCMP, CIC) and are inconsistent, especially relating to the issuance of TRPs.
- There are different understandings of trafficking within the NGO community and the government. There is a need to make sure multiple stakeholders are on the same page.
- A protocol of procedures is necessary for different service providers, including settlement services, to adequately identify and refer trafficked persons.

b) Changing trends and emerging needs

Participants identified the following changes in cases of trafficking:

- Traffickers are changing their *modus operandi* and are trafficking people individually on a one-by-one basis rather than in groups.

- Traffickers are pushing people to commit petty criminal activities, making it easier for victims to be threatened with criminal charges and deported, and making it harder for them to obtain TRPs (Windsor and Winnipeg examples).
- Authorities tend to focus more on domestic trafficking. Resources concerning international trafficking are not always available and government perceives it is easier for them to deal with domestic trafficking.
- More domestic cases of trafficking are becoming apparent.
- Cases of forced labour are increasing.
- Awareness of and interest in trafficking issues is growing among organizations, service providers, law enforcement, and the public.
- There are more incidents of sex trafficking in massage parlours with greater promotion of Asian women in the sex market. This is facilitated by easy access to licenses.
- In Edmonton, the city is making changes to the licensing of massage parlours. Courses on human rights and sexual exploitation will be required for parlours to obtain a license and will be an opportunity to raise awareness on trafficking.

c) Responses and effective strategies in dealing with cases of trafficking

Strategies that were distinguished as effective approaches included:

- The Action Coalition on Human Trafficking (ACT Alberta) has formed a network, bringing together groups of law enforcement, government ministries, NGOs and volunteers for reflection and case analysis. Building a community of workers helps to generate conversation between groups and with law enforcement.
- It is useful to work with survivor organizations, such as Walk With Me, who have a close relationship with law enforcement and who employ case management.
- Information sharing and case management are very useful.
- It is particularly valuable to have contacts within the police force who understand the role and importance of NGOs in the process, rather than simply seeing NGOs as “useful”.
- When NGOs and the police approach each other in the spirit of collaboration we overcome negative impressions and strengthen each other’s work on trafficking.
- Regional and pan-Canadian meetings are useful to create personal contacts, formalize relations and strengthen alliances, develop protocols, and to share experiences and demystify different organizations’ mandates.
- In Montreal, cooperation between different actors has had positive results: police forces, NGOs, health service providers, youth organizations, housing services and shelters. The purpose of this has been to get to know one another and share experiences.
- Small links and collaboration efforts created between smaller organizations in the Greater Toronto area are exemplary.

IV. Current Political Context and Policy Concerns

For this session, two members of the Anti-Trafficking Steering Committee delivered introductory presentations to initiate reflection on the current political context. A discussion was subsequently led to explore key policy concerns and participants suggested possibilities for future political advocacy strategies.

Louise Dionne, Comité d'action contre la traite humaine interne et internationale (CATHII)

Louise Dionne of CATHII presented on the provisions of the trafficking piece in Bill C-10 (Omnibus crime bill) and Bill C-310, an Act to amend the Criminal Code, and addressed some of the CCR's concerns with current policy developments.

Omnibus Crime Bill (Bill C-10) and Trafficking

Bill C-10 brings together nine bills. Part 5 of the bill deals specifically with trafficking in persons and amends the *Immigration and Refugee Protection Act* in order to give immigration officials the power to deny an applicant overseas authorization to work in Canada, on the basis that the person might be exploited in Canada. This bill gives significant discretionary power to immigration officers without having provided any proof of efficacy for this approach.

The amendments proposed by this bill would empower visa officers to decide which women should be kept out of Canada for their own good, while failing to protect the rights of trafficked persons already in Canada. They do not address the root problem of the existence of jobs that humiliate and degrade workers in Canada. Job offers are validated by Human Resources and Social Development Canada before work permits are issued – attention should therefore be given to the reason why such jobs are approved by the government in the first place.

The bill fails to address the situation of the most vulnerable of exploited non-citizens: those who have no valid work permit. Closing the door on valid work permits may expose women to greater vulnerability, by forcing them underground. The law should be changed to ensure the rights of trafficked persons are protected. Legislative amendment is needed to bring a permanent and fundamental change in policy so that trafficked persons in Canada are protected.

Private Member's Bill C-310

Joy Smith, Member of Parliament for Kildonan-St. Paul, Manitoba, introduced Bill C-310, which would amend the Criminal Code to allow Canadian citizens or permanent residents to be prosecuted in Canada for trafficking in persons offences committed outside Canada. It also amends the Act to add factors that the Court may consider when determining what constitutes exploitation. Even though the bill's intent is based on positive grounds, the bill fails to consider the specific characteristics of the person that committed the crime (who could potentially be a former victim of trafficking), repeating the approach and omissions of Bill C-268.

Bill C-10 and Bill C-310 fit a common pattern repeated by past legislative measures on trafficking adopted by Canada since 2001. None of the existing legislative provisions offer measures to protect the rights of trafficked persons.

The CCR is calling for measures to adequately protect the rights of trafficked persons in Canada, in particular through legislative amendment. The principal elements of the CCR *Proposal to amend the Immigration and Refugee Protection Act* are accessible temporary protection, the

possibility of obtaining permanent status in specific cases, and implementing an approach that is enforced by law.⁵

Sue Wilson, CSJ, Office for Systemic Justice of the Federation of Sisters of St. Joseph of Canada

Sue Wilson of CSJ presented on the main components of Joy Smith's National Action Plan, and examined some of the gaps and limitations of the proposal. She also pointed out the possibilities for initiating and strengthening dialogue between stakeholders on defining human trafficking.

In October 2010, Joy Smith proposed a National Action Plan to Combat Human Trafficking in Canada.⁶ The proposal is wide ranging and incorporates components concerned with preventative measures and confronting the demand for sexual services and free labour in Canada and abroad, protecting trafficked persons and providing ready access to adequate governmental and non-governmental services, improving prosecution efforts, and strengthening cooperation between stakeholders and government. However, these component areas are missing some key elements, including a strong focus on protecting the human rights of workers.

Temporary Resident Permits (TRPs) have proven to be inadequate in protecting the rights of trafficked persons. Canada's efforts should concentrate on making additional changes to TRPs to ensure measures are guided by and respectful of the human rights of trafficked persons.

Joy Smith's plan offers a vague portrayal of the need for changes to the Temporary Foreign Worker Program. There is a need for positive changes, such as creating work permits that are sector- and province-specific instead of employer-specific, and creating a path to permanent residency for foreign workers who desire this. These contrast with the changes announced by Minister Jason Kenney in October 2009, which function to limit the stay of foreign workers in Canada to four years and ban them from returning to Canada for another six years.

The plan minimizes the extent of human trafficking for labour exploitation in Canada. In the plan's 'Global Overview of Human Trafficking', Joy Smith relies on a 2009 report from the United Nations Office on Drugs and Crime to state that sexual exploitation is the most common form of trafficking. However, other parts of the report warn that figures provided on trafficking for sexual exploitation might be misrepresented due to an under-representation of figures pertaining to trafficking for forced labour. This is omitted in the plan's overview.

The definition of human trafficking that is currently found in Canada's Criminal Code and that is offered by the Palermo Protocol is too broad, leaving numerous elements undefined. This definition only identifies three key components: mobilization, means and purpose of exploitation. A more comprehensive definition that includes clear indicators of trafficking needs to be developed by NGOs and other stakeholders. The Delphi Indicators of Human Trafficking could offer a starting point to open a dialogue between NGOs, law enforcement officials, CIC, CBSA and other stakeholders. These build on the strengths of the Palermo Protocol's definition in order to develop a definition that is based on a common ground and that can offer operational

⁵ The full Proposal is available online at: <http://ccrweb.ca/en/proposal-legislative-amendment-protect-trafficked-persons>.

⁶ <http://bit.ly/xJ9gAY>

guidance to people who work with trafficked persons on a day-to-day basis. Such an approach is important to ensure the protection of people who have been trafficked.

Some points from the discussion:

- The Palermo Protocol's definition of human trafficking is too broad and only identifies three components. The Delphi indicators offer a starting point from which a common definition of trafficking may be developed. NGOs should initiate a dialogue on human trafficking indicators and on finding a common ground with the government, law enforcement and other agents.
- The Omnibus crime bill positions victims of trafficking as instruments. Advocacy for trafficked persons has been overlooked. The media is therefore an important venue to express our concerns.
- A strategy that addresses the government's attempt to prevent people from arriving to Canada through the Omnibus crime bill needs to be developed.
- The role of provinces in addressing trafficking is important. In Ontario, greater interest is being shown in trafficking issues and some funding is now being directed towards fighting human trafficking. It is important to push provinces to raise this issue at the intergovernmental meeting in order to address trafficking at a national level.
- The Provincial Nominee Program should be considered as a means to access permanent residence.

V. Proposals for action: Next steps and strategies

The gaps raised during the different sessions generated the following proposals for action:

Political advocacy and developing a National Action Plan

The development of a National Action Plan in collaboration with diverse NGOs should be considered as a strategy for political advocacy to address the trafficking of foreign nationals in Canada, and as a means to initiate a dialogue on defining human trafficking.

Provincial government could play a greater role in addressing trafficking at a national level: they should be urged to bring these issues forward at intergovernmental meetings.

The development of an Action Plan is a useful way to approach provincial governments or Members of Parliament, and to pursue further dialogue with Joy Smith on the provisions of an effective National Action Plan.

Developing further spaces of dialogue and information-exchange

It is necessary to continue creating public arenas for networking and for exchanging experiences on trafficking at a provincial and national level. Such initiatives are key in facilitating information-exchange among NGOs, in sharing best practices and useful tools for awareness-

raising and providing services to trafficked persons, and in strengthening alliances and learning about other organizations' work, approaches and strategies.

Linking issues related to trafficking for labour exploitation to CCR Subcommittee on Migrant Workers

Participants pointed out the importance of increasing dialogue with the CCR Migrant Worker Subcommittee on the topic of Temporary Foreign Workers and trafficking for labour exploitation, as well as the need to promote further communication and collaboration between this group and the CCR Anti-Trafficking Steering Committee.

Start-up Toolkit

It would be useful to build on existing resources and simple tools to create start-up materials for NGOs and for professionals who might encounter trafficked persons. A Start-up Toolkit would facilitate the preparation of groups wanting to engage in activities relating to human trafficking and would provide them with basic materials to get them started.

Other proposals for action

Some additional suggestions of ways to improve services and attention to trafficked persons included:

- To create the position of Case Coordinator or Manager to administer and follow-up on individual cases.
- To create a group of advisors on trafficking issues and procedures.

VI. Workshop on Serving Trafficked Persons

A workshop on *Serving Trafficked Persons* was held as part of the CCR Fall Consultation the day after the Trafficking Meeting. The workshop first focused on the experiences of the RCMP in identifying and dealing with cases of human trafficking and subsequently looked at organizations' experiences providing front-line services to trafficked persons. The workshop addressed issues relating to trafficked persons' access to Temporary Resident Permits (TRPs) and the services available to them.

Many of the participants who attended the meeting were also present during the workshop, which allowed for a practical continuation of the previous day's discussion. The workshop consisted of an introductory summary of the previous day's discussion by the workshop moderators, Louise Dionne of CATHII and Andrea Burkhart of ACT-Alberta (with a special emphasis on services for trafficked persons), and two panel presentations.

Cpl. Nilu Singh of the RCMP Human Trafficking National Coordination Centre reviewed the provisions of TRPs and provided insight into the RCMP's criteria for identifying trafficked persons. She also described the referral process for issuing TRPs to trafficked persons, and discussed the challenges the RCMP is facing and the partnerships they are working to develop.

Temporary Resident Permits (TRPs) for Trafficked Persons

Temporary Resident Permits (TRPs) were introduced by Citizenship and Immigration Canada (CIC) in May 2006 for victims of international human trafficking. TRPs allow for a maximum of 180-days as a “reflection period” for trafficked persons. Once they are issued, TRPs provide access for trafficked persons to the Interim Federal Health Program, counselling, and a work permit. The CIC officer must investigate and determine the timelines that will best suit the victim and his/her needs. TRPs may be renewed as required.

Identifying Trafficked Persons

In the interview process, potentially trafficked persons are asked a number of questions and RCMP officers evaluate their cumulative responses to determine whether there is an indication of control, fear and threat in their answers and behaviour. When officers encounter people who are not as forthcoming and are uncooperative, they inform them that they can access their services whenever they are ready.

When dealing with foreign nationals, Canada Border Services Agency (CBSA) is contacted to determine a person’s status. CIC is also contacted to meet the person and may conduct an interview to ascertain if the individual is a potential victim of human trafficking and to determine whether a TRP can be issued or not. It is not necessary to conduct an interview if the person is referred to CIC as a possible victim of trafficking by law enforcement. Interviews that are carried out despite the latter are often for administrative purposes rather than investigative purposes.

TRPs are available to any foreign national considered to be a potential victim of human trafficking. However, if a person has legal status in Canada (i.e. a Student or Work Visa) they may not be issued a TRP.

RCMP Challenges and Partnerships

The RCMP faced a number of challenges when the TRPs were first introduced in 2006. One of the challenges was related to the shorter “reflection period” that was initially determined at 120 days, and a lack of clear guidelines concerning how to issue a permit. The modifications introducing a 180 day “reflection period” and allowing victims to access both the Interim Federal Health Program and a work permit have been positive developments.

Even though the RCMP and CIC have an ongoing relationship, the RCMP has faced communication and operational challenges in working with CIC as the agency has not always been fully aware of how to implement the policy. The RCMP has been able to overcome this challenge in certain regions by working more closely with CIC partners. They are working to develop closer partnerships with them in other regions in order to improve coordination and enforcement procedures, such as avoiding repeating the interview process, and to better inform CIC officers.

Cathy Kolar of Legal Assistance of Windsor presented on her organization’s experience with TRPs and with providing services to trafficked persons.

Cases referred to Legal Assistance of Windsor have for the most part been referrals from the police. This has played an important role in substantiating their trafficking cases once they are sent to CIC. In all of their cases where TRPs have been issued, law enforcement was involved and a criminal investigation had been previously put forward.

Challenges of Obtaining TRPs for Trafficked Persons

In order to be considered for a TRP, it is necessary for a person to have been trafficked in Canada. If trafficking occurred in a person's home country, the person may consider making a refugee claim or applying for a Pre-Removal Risk Assessment (PRRA).

In several cases, people have been detained, despite having been identified as victims of human trafficking by CBSA . Many of these cases have resulted in people choosing to leave Canada. Even if a case were before the Human Rights Tribunal, it is not taken into account in order to extend the trafficked persons' stay.

Certain limitations in TRP measures were apparent in some of Legal Assistance of Windsor's trafficking cases, especially relating to the 180 day "reflection period". Some of these cases involved people who had been identified as victims of human trafficking, but who had been out of a situation of trafficking for some time. In these cases, CIC stated that a reflection period was no longer necessary and therefore they were not eligible for a TRP.

The organization also found that people must be inadmissible in order to be issued a TRP. Many of the people they worked with had legal status, either as Temporary Foreign Workers (TFW) or as visitors. Obtaining a TRP would therefore result in them losing their status with no guarantee of extending their stay in Canada. This had problematic results for workers such as TFW, who are allowed to stay in the country for four years with the possibility of renewing their work permit, and for caregivers, who have specific requirements to meet under their work permit and for whom losing their status would affect their ability to get a permanent residence. Refugee claimants have to wait for their determination process to be over before they can apply for a TRP. The situation is especially precarious for people living underground who risk coming onto the radar by attesting to their labour conditions and exploitation.

Referrals to Legal Assistance of Windsor and Interview Process

When cases are referred to Legal Assistance of Windsor, the person's situation is examined. Before the interview process, Legal Assistance of Windsor's staff prepares people for a total of 99 possible questions. A social worker also works with people before and after the interview to provide adequate emotional and psychological support.

If a person has been previously identified as a trafficked person by the RCMP, CIC is not required to repeat the interview process. If the person has not been previously identified as a potential victim, CIC will conduct an interview, which may last six hours. Interviews are non-aggressive, they allow for sufficient time, and stop when necessary to meet the victim's needs. Immigration officers examine the recruitment process and look at the person's documentation and both their working and living conditions, including signs of monitoring and use of force.

TRP Measures in Practice and Limitations

In the cases overseen by Legal Assistance of Windsor, a lack of passport has never been used against the person to deny them a TRP. Moreover, with one exception, all criminal charges against these individuals were dropped.

The Manual allows for permits for trafficked persons to be issued for 180 days. After this period it does not recommend issuing TRPs. Once the 180 days are over, immigration officers will determine whether a person continues to be a victim of trafficking or not, and during this determination period persons are often denied Interim Federal Health (IFH). This can be overcome in the following ways:

- If a person was a refugee claimant, IFH can be extended.
- The provision referring to the issuance of TRPs after the 180 period is only a recommendation. In cases where trauma exists, TRPs have been extended.
- If a person has been issued a work permit, they are eligible for IFH. A letter must be taken to the Ontario Health Insurance Plan (OHIP) office (or provincial alternative).

Once a TRP has been obtained, trafficked persons can access social assistance. However, they often do not want to use traditional networks of employment, which becomes a factor of isolation. Without formal career placement workshops many people are unable to find employment. Issues resulting from this include poverty and self esteem problems that make it problematic for people to survive solely on welfare.

Several limitations can be found in the implementation of TRP provisions. One of the problems encountered by Legal Assistance of Windsor was the inconsistent provision of information by CBSA and CIC officers. This specifically relates to trafficked persons' ability to apply for permanent residency after 5 years of holding a TRP. Contradictory information was given regarding this timeline.

An important limitation with TRP provisions concerns their failure to extend protection to trafficked persons' family members, whether inside or outside Canada. TRPs are only assigned to individuals and do not allow for multiple entries. However, some cases have shown inconsistencies in enforcement procedures where TRPs have been extended to some families but not to others.

Shortcomings were also found at the end of some people's TRP timeline. In cases where people had to be removed and where they preferred to return with their family members abroad, no funds were offered for their removal. Moreover, the preparation process for removal takes 3 months throughout which people have no access to basic services.

In cases where criminal investigations against the traffickers had been underway, once these were terminated some people were denied TRPs. They were therefore required to apply on Humanitarian and Compassionate grounds. This method is inadequate for the needs of trafficked persons. A successful case did arise, however, where CIC provided a 2 year TRP to a trafficked

person on humanitarian grounds. The person's status had expired and their case had been used for law enforcement purposes. This set a precedent for CIC in protecting victims of trafficking.

VII. Outcomes of the Workshop

Workshop participants identified a set of gaps and needs:

- It is important that CIC provide adequate information to people receiving a TRP.
- There is a need for training and improved preparation of CIC officers regarding the application of both human trafficking and TRP policy in Canada.
- An information brochure outlining TRP requirements and interview procedures for trafficked persons should be made accessible to trafficked persons via organizations and service providers.
- Further dialogue is desirable between RCMP, CIC and non-governmental organizations.

VIII. Conclusion

The Trafficking Meeting and workshop offered participants the opportunity to collaborate jointly in sharing their experiences, in discussing essential challenges faced in their work on trafficking, and in developing strategies to advance the protection of trafficked persons. One of the recurring challenges raised throughout the events related to the barriers faced by organizations in generating and formalizing new alliances, and in learning about different organizations' mandates. Regional and pan-Canadian meetings such as these were therefore recognized as particularly useful venues that promote open dialogue between NGOs and other stakeholders.

Further dialogue at a provincial level and on the role of provinces in addressing human trafficking and in bringing attention to international trafficking at a national level were outlined as major concerns and as important steps to take. It was noted that international trafficking cases often pose greater challenges than cases of domestic trafficking and that trafficked foreign nationals in particular lack protection. The discussions also showed that trafficking for labour exploitation tends to be overlooked and that crucial inadequacies exist in the capacity of current policies to protect the rights of trafficked persons, and especially of trafficked foreign workers.

Serious inconsistencies in identification protocols and in the implementation of existing policies further hamper efforts to advance the protection of trafficked persons. Pursuing further dialogue and partnerships between NGOs, service providers, and law enforcement and immigration agencies was consistently identified as a crucial means of strengthening each other's efforts.

Finally, the leadership of the CCR was stressed as important in facilitating networking, advocacy, and information gathering and exchanging in trafficking issues, and in bringing collective actions forward. Working together is particularly integral to all of our efforts. Participants and others interested are therefore invited to become part of this network by staying in touch, and are strongly encouraged to consider follow-up on the proposals for action raised during both events, and to suggest other possibilities for action.

APPENDIX A: Presentations

Janet Dench, CCR Executive Director. CCR's work on trafficking.

Consolidating a pan-Canadian NGO network on trafficking: CCR's work on trafficking

(Brief review of the CCR network and activities, including a brief presentation of the trafficking resource database.)

Consolidation du réseau d'ONG pan-canadien sur la traite : le travail du CCR relative à la traite (Révision brève du réseau et des activités du CCR.) (Brève présentation du réseau du CCR et de ses activités, incluant une présentation de la base de données de ressources.)

Historique

2000 - 2001	Le CCR s'intéresse au protocole relatif à la traite de la Convention contre la criminalité transnationale organisée. Les membres soulèvent la question des besoins des femmes ayant subi la traite au Canada et les responsabilités des organismes au service des immigrants.
2003 - 2004	Le CCR organise une série de rencontres régionales puis une rencontre pancanadienne. Objectifs : renforcer la capacité des ONG de répondre aux personnes ayant subi la traite, et de lutter contre le travail forcé. Des recommandations détaillées sont formulées.
2004	<p>Parmi toutes les recommandations, le CCR décide de prioriser les volets suivants :</p> <ul style="list-style-type: none">➤ Sensibiliser le monde à la réalité de la traite au Canada➤ Promouvoir la protection des personnes ayant subi la traite <p>Le CCR crée un comité sur la traite avec des représentants des différentes régions, dans le but d'appuyer le réseautage et d'offrir un leadership pancanadien. Étant donné le mandat du CCR, l'accent est sur les non-citoyens victimes de la traite.</p>
2004 - 2008	Le CCR organise des ateliers sur la traite dans le cadre de ses consultations, commente la politique gouvernementale (par ex. les permis de séjour temporaire offerts en 2006) et assure l'échange d'information.
2007	Le CCR adopte sa <i>Proposition pour des amendements législatifs visant à assurer la protection des personnes victimes de la traite</i> , développe des ressources pour appuyer cette proposition et demande des appuis d'autres groupes. Éléments essentiels : protection temporaire très accessible; possibilité de statut permanent

	dans certains cas; ancré dans la loi
2009	Le CCR organise un forum pancanadien à Windsor, pour répondre à la demande exprimée par le comité d'avoir une rencontre face à face. Objectifs : améliorer les services aux et la protection des personnes non-citoyennes au Canada ayant vécu la traite.
2010 - 2011	Projet pour <i>Appuyer la sensibilisation et les services à travers le Canada pour les personnes ayant subi la traite</i> , financé par Justice Canada.

Supporting effective awareness-raising and services across Canada for trafficked persons

This project involved:

- developing contacts with NGOs across Canada who are or may be interested in trafficking
- collecting useful resources to build a database.

Project coordinator: Christina Harrison-Baird

Through the project we developed the online database, available at:

<http://ccrweb.ca/en/trafficking-resources>

We divided resources according to whether they support awareness-raising or services. We found many more for awareness-raising, which is why we are focusing on services in the workshop tomorrow.

This was to be Phase I of a continuing project, but unfortunately after showing initial interest, Justice Canada decided it was not a priority and declined funding for the next phase.

The CCR network

Anti-Trafficking Committee:

- Regional representatives (currently Vancouver, Edmonton, Winnipeg, Windsor, London, Toronto, Ottawa and Montreal).
- Primary roles are to:
 - Support networking across regions;
 - Provide guidance and leadership to the work of the CCR in the area of trafficking;
 - Organize workshops at CCR consultations;
- Meets principally by conference call.

Database of contacts

We have developed a fairly extensive database of organizations in Canada interested in trafficking. We used this to advertise this meeting. It can also be use for information updates.

Next steps

The CCR would like (subject to resources) to support:

- **Networking** (Supporting development and sustaining of NGO network across Canada).
- **Outreach and awareness-raising** (promoting best practices, tools and strategies)
- **Services to trafficked persons** (promoting best practices, tools and strategies)
- **Protection for trafficked persons** (effective policies and practices)
- **Dialogue with government**

Christina Harrison-Baird, PACT-Ottawa Chair. CCR Project on Trafficking.

Since November 2010, the Canadian Council for Refugees (CCR) has been carrying out a countrywide project on human trafficking. Our aim is to coordinate support across Canada for trafficked persons. Since our expertise is with newcomers, our focus is the trafficking of foreign nationals in Canada. We are concerned about trafficking for labour, sex and other forms of exploitation. The primary goals of the project on human trafficking were:

In the realm of outreach and awareness-raising

1. To collect best practices in outreach and awareness-raising about trafficking, based on NGO experiences to date.
2. To make contacts in regions not currently part of the network and/or where little outreach on trafficking has been done.
3. To identify NGO needs for further tools to support outreach and awareness-raising.

In the realm of services to trafficked persons

4. To collect best practices services to trafficked persons, based on NGO experiences to date.
5. To identify NGO needs for further tools to support services to trafficked persons.

Method: Networking through calls, e-mails, internet searches, attendance at one national conference, travel to the Maritimes and BC

The result has been the creation of two databases: one of organizations and the other of tools; and the identification of some gaps.

I. Organization database

Yield for organization database: Network of 150 committees and organizations working on human trafficking with at least one contact in each province

The organizations in the database meet the following criteria:

- Canadian
- Non-governmental organization (i.e. not police and not federal, provincial or municipal departments)
- Working inside Canada
- Working to raise awareness of human trafficking in Canada OR providing services to trafficked persons who are foreign nationals in Canada (i.e. not native women's associations providing services to Canadian citizens)

II. Tool database

Two Categories of tools sought:

1. Tools for outreach and awareness raising

For outreach and awareness raising – e.g. information pamphlets and brochures, web links, speeches, slide presentations, videos, newspaper or journal articles, posters, lists of FAQs (and their answers!), lists of actions that community members can take, petitions, illustrative stories (with measures taken to protect confidentiality), toolkits, education modules for students, post cards, pocket cards, drink coasters, etc.

2. Tools for service provision

For best practices in services – e.g. operational guidelines, interview questions & techniques, needs assessments, "lessons learned" reports, illustrative stories, sample memoranda of understanding between agencies, research findings etc.

Yield for tool database: database of 75 pamphlets, posters, films, toolkits, standards, recommendations, handbooks and compilations of resources

III. Gaps: start-up materials (and funds!) for NGOs, professionals who might encounter trafficked persons e.g. legal counsel and health providers AND are knowledgeable about trafficking.

Louise Dionne, Comité d'action contre la traite humaine interne et internationale (CATHII). Current political context.

2 projets de loi ont été déposés et seront sans doute adoptés :

- La partie 5 du projet de loi C-10 : Loi sur la sécurité des rues et des communautés;
- Le projet de loi C-310 : Loi modifiant le Code criminel (traite des personnes).

La partie 5 modifie la Loi sur l'immigration et la protection des réfugiés afin de permettre aux agents de refuser d'autoriser un étranger à exercer un emploi au Canada si, selon les instructions du ministre de la Citoyenneté et de l'Immigration, l'intérêt public le justifie. Le projet de loi omnibus C-10 regroupe 9 projets de loi, seule la partie 5 porte sur la traite de personnes.

Ce projet de loi donne un pouvoir discrétionnaire important aux agents d'immigration sans que l'utilité de cette approche soit démontrée.

Les modifications donnent aux agents des visas le pouvoir de décider quelles femmes doivent être tenues à l'écart de notre pays, dans leur propre intérêt. Ces modifications ne protègent pas les droits des victimes de la traite des personnes qui sont déjà au Canada.

Les modifications n'abordent pas le problème fondamental de l'existence au Canada d'emplois qui exposent les travailleurs à l'humiliation et à un traitement dégradant. Les permis de travail sont émis aux individus par les agents des visas, après la validation de l'offre d'emploi par Ressources humaines et Développement social Canada. Pourquoi de tels postes sont-ils offerts au Canada s'ils sont dégradants?

Le projet de loi n'aborde pas la situation des non-citoyens les plus vulnérables, c'est-à-dire ceux qui n'ont aucun permis de travail valide. En fait, en refusant des permis de travail, on risque d'exposer des femmes à une plus grande vulnérabilité en les confinant à la clandestinité.

Au lieu de modifier la loi pour priver des femmes de leurs droits à cause d'un éventuel risque d'être victime de la traite, nous devrions modifier la loi afin d'assurer la protection des personnes ayant subi la traite. Des modifications législatives sont nécessaires pour changer la politique de façon fondamentale et définitive afin que les victimes de la traite au Canada soient protégées.

Le projet de loi C-310 : Loi modifiant le Code criminel (traite des personnes) ;

Le texte modifie le Code criminel afin d'ajouter la traite des personnes aux infractions commises à l'étranger pour lesquelles les citoyens canadiens et les résidents permanents peuvent être poursuivis au Canada.

Il modifie également la loi afin de préciser certains facteurs que le tribunal peut prendre en compte lorsqu'il détermine ce qui constitue de l'exploitation.

Si le projet de loi repose sur un principe louable puisqu'il vise à pénaliser les personnes qui commettent un acte criminel à l'étranger et aussi à clarifier la définition de l'exploitation. Malheureusement, le projet de loi réitère la même approche que pour le projet de loi c-268 c'est-à-dire l'imposition de peines minimales sans égard pour la personne qui commet le crime. (Il peut s'agir d'une ancienne victime de traite, d'un jeune dont c'est la première offense, etc.).

Mesures adoptées par le Canada à ce jour

Ces deux mesures s'inscrivent dans les différentes mesures adoptées à ce jour. En effet voici un bref survol des différentes mesures législatives adoptées par le Canada liées à la traite de personnes.

2001/2002

Article 118 sur les trafiquants dans la Loi sur l'immigration et sur la protection des réfugiés (LIPR)

2005 Inclusion de la traite de personnes dans le Code criminel, article 279. Les articles 279.01 à 279.04 portent sur les mineurs

2006 : Permis de séjour temporaire de 120 jours pour les victimes de la traite.

2007 : Les permis de séjour temporaire passent de 120 jours à 180 jours avec le permis de travail sans payer les frais et l'accès au programme fédéral de santé intérimaire (PFSI)

2010 : L'adoption de la loi C-268 sur les peines minimales imposables aux trafiquants d'enfants.

Toutefois, ces mesures s'avèrent insuffisantes pour protéger les personnes victimes de la traite. Il n'y a pas de dispositions législatives visant spécifiquement la protection des droits des victimes de la traite

Le Conseil canadien pour les réfugiés (CCR) propose des amendements législatifs visant à assurer la protection des personnes victimes de la traite. Ceux-ci portent sur :

1. Ajouter aux objectifs de la Loi (article 3) la protection des droits des personnes victimes de la traite;
2. La définition de la traite conforme au Protocole de Palerme;
3. Des mesures spécifiques reflétant la vulnérabilité et les besoins des enfants sont nécessaires;
4. Protection non-conditionnelle;
5. Protection temporaire : un permis de protection temporaire spécial, valide pour une période de 6 mois. Le permis donnera au détenteur les mêmes bénéfices accordés aux revendicateurs du statut de réfugiés (y compris l'accès au Programme fédéral de santé intérimaire, permis de travail, permis d'étude). Si la personne décide de demander une protection permanente, le permis de protection temporaire spécial sera valide jusqu'à ce que la décision sur le statut permanent soit rendue.
6. Des directives pour guider les agents qui mènent les entrevues;
7. La possibilité pour les personnes victimes de la traite à recevoir la résidence;

8. Réunification familiale;
9. Non-poursuite pour des infractions reliées à leur entrée au Canada (tel que présentement pour les réfugiés);
10. Détention : Modifier les articles 245 (risque de fuite) et 249 (considérations spéciales pour les mineurs) des Règlements afin d'enlever la référence à une connexion à la traite comme étant un facteur pouvant justifier la détention.

L'ensemble des propositions est disponible sur le site du CCR.

Sue Wilson, CSJ, Office for Systemic Justice of the Federation of Sisters of St. Joseph of Canada. National Action Plan to Combat Human Trafficking.

The National Action Plan that is proposed by M.P. Joy Smith has the following components:

- Definition of Human Trafficking
- Global Overview of Human Trafficking
- Canadian Overview of Human Trafficking
- Overview of Canada's Policy Responses to Human Trafficking
- Rationale for a National Action Plan
- Recommendations for a National Action Plan
 - Recommendations for Prevention
 - Recommendations for Protection
 - Recommendations for Prosecution
 - Recommendations for Partnerships

(1) Recommendations: CCR background information for this meeting identifies four key recommendations for the protection of trafficked persons:

- a. Funding for NGOs to deliver services.
- b. Policy to assist people who have been trafficked to return to their country of origin if they so desire.
- c. A National Referral Mechanism to provide rapid connection to points of service through Canada
- d. A National Rapporteur for Human Trafficking

Discussion:

A. It may be helpful to spend some time fleshing out what these elements should look like and identifying any concerns we might have about what form these recommendations would take.

B. Element missing: a strong focus on protecting the human rights of workers:

i. - inadequacies in TRP

ii. -Smith's plan is vague regarding the need for changes to TFWP. One positive change would be the creation of work permits that are sector-and province-specific instead of employer specific. Another positive change would be to create a path to permanent residency for foreign workers who desire this. (By contrast, the changes announced by Minister Kenney in Oct. 2009 function to limit the stay of foreign workers in Canada to four years and ban them from returning to Canada for another six years).

(2) The proposed plan underplays human trafficking for labour exploitation

Global Overview: relies on a report from the *United Nations Office on Drugs and Crime* (2009) to state that sexual exploitation is, by far, the most common form of trafficking at 79% of cases. Smith ignores that the same report also states that this figure may be a misrepresentation because forced labour is less frequently detected and reported.

At the National Conference in Ottawa last year an RCMP officer said that labour trafficking cases are complex and very hard to investigate. This makes it all the more significant that the figures quoted by Ben Perrin after his research of CIC data indicated that from 2006 to the end of 2008, of the 50 cases involving foreign nationals, 46% involved alleged forced labour while 42% involved alleged sexual exploitation. I think we need to keep pushing police and government to acknowledge and address the realities of trafficking for labour trafficking.

International Labour Office figures also indicate about 50/50 split.

(3) Definition of human trafficking:

The Palermo Protocol's definition identifies 3 components: Mobilization (recruitment...), Means (deception or coercion...) and Purpose of Exploitation.

The Protocol's definition is broad and leaves many elements undefined.

For example, **Coercion**: Does placing a worker in an illegal situation create coercion? When is a family's poverty so debilitating that it creates a situation of coercion through the abuse of vulnerability? What level of debt constitutes debt bondage?

Exploitation: At what point is a wage so low that it qualifies as exploitation?

A migrant worker in an irregular situation may, in theory, be able to refuse to work beyond normal working hours, but what if language/ doubts about legal status leave them feeling like they have no choice?

Discussion: If we don't have these things defined and spelled out then NGOs will always be in a difficult situation when it comes to assisting people who have been deceived and exploited. Too much is left up to the CIC officer's discretion and we can't know where they will land.

Suggestion: NGOs develop indicators of human trafficking. Initiate dialogue with government/RCMP.

APPENDIX B: Backgrounder for National Networking Meeting on Trafficking⁷

Some current initiatives, November 2011

A. OMNIBUS CRIME BILL (BILL C-10) AND TRAFFICKING

Bill C-10, the omnibus crime bill introduced in September 2011, includes a section relevant to trafficking. This section amends the Immigration and Refugee Protection Act in order to give immigration officials the power to deny a work permit to an applicant overseas, on the basis that the person might be exploited in Canada.

CCR comments

The CCR is opposed to these amendments. They would give discretionary power to visa officers to decide which people should be kept out of Canada for their own good. This would mostly affect women. The amendment does not address the root problem of the existence in Canada of jobs that exploit workers. It also fails to protect the rights of trafficked persons abroad and of trafficked persons already here in Canada.

The CCR's comments are available at: <http://ccrweb.ca/en/comments-bill-c10-trafficking>.

B. CCR PROPOSAL FOR LEGISLATIVE AMENDMENT TO PROTECT TRAFFICKED PERSONS

The CCR is calling for measures to adequately protect the rights of trafficked persons in Canada, in particular through legislative amendment. A *Proposal to amend the Immigration and Refugee Protection Act* has been developed to advocate for legislative changes that would ensure the unconditional protection of trafficked persons' rights, as well as the provision of temporary and permanent protection to trafficked persons. The CCR is calling on Parliamentarians to turn this proposal into law.

Currently the only provisions in the law relating to trafficking serve to a) criminalize trafficking, and b) promote the detention of trafficked persons. There is nothing in the law to protect the human rights specifically of trafficked persons.

In May 2006, the Canadian government issued new guidelines for Temporary Residence Permits for victims of human trafficking. While the CCR welcomed the move as a step in the right direction, the CCR views the Temporary Resident Permits as problematic and of limited usefulness in protecting trafficked persons: they are discretionary and are not always offered to trafficked persons; they impose an unreasonable burden of proof on the trafficked person; and the mandatory involvement of law enforcement agencies deters trafficked persons from applying because of concerns about the potential consequences of such involvement.

The full Proposal for legislative amendment to protect trafficked persons is available at: <http://ccrweb.ca/en/proposal-legislative-amendment-protect-trafficked-persons>.

⁷ Backgrounder also available online at: http://ccrweb.ca/files/backgrounder_trafficking_meeting_nov2011.pdf.

C. NATIONAL ACTION PLAN TO COMBAT HUMAN TRAFFICKING

In October 2010, Joy Smith, Member of Parliament for Kildonan-St. Paul, Manitoba, proposed a National Action Plan to Combat Human Trafficking in Canada. The proposal's main components focus on implementing preventative measures and confronting the demand for sexual services and free labour in Canada and abroad, protecting trafficked persons and providing ready access to adequate governmental and non-governmental services, improving prosecution efforts, and on strengthening cooperation between stakeholders and government.

The National Action Plan's recommendations concerning the **protection of trafficked persons** in Canada include:

- Providing adequate funding for NGOs to deliver care, counselling, shelter and assistance to trafficked persons;
- Developing and implementing federal policy to assist trafficked foreign nationals to return to their country of origin;
- Developing a National Referral Mechanism to provide rapid connection to points of service throughout Canada;
- Creating an independent National Rapporteur for Human Trafficking.

The proposal is available at:

http://www.joysmith.ca/main.asp?fxoid=FXMenu,7&cat_ID=27&sub_ID=104&sub2_ID=26.

D. PRIVATE MEMBER'S BILL C-310

Joy Smith has also introduced Bill C-310, which would amend the Criminal Code to allow Canadian citizens or permanent residents to be prosecuted in Canada for trafficking in persons offences committed outside Canada. It also amends the Act to add factors that the Court may consider when determining what constitutes exploitation. While private member's bills rarely pass into law, Liberal and NDP MPs have expressed some support for the bill in the House.

APPENDIX C: Fiche d'information pour la Rencontre nationale de réseautage sur la traite de personnes⁸

Quelques initiatives actuelles, Novembre 2011

A. PROJET DE LOI C-10 (LOI OMNIBUS SUR LA CRIMINALITÉ) ET LA TRAITE DES PERSONNES

Le projet de loi C-10, la loi omnibus sur la criminalité déposée en septembre 2011, inclut une partie relative à la traite de personnes. Cette partie modifie la Loi sur l'immigration et la protection des réfugiés en donnant aux agents d'immigration le pouvoir de refuser un permis de travail aux demandeurs à l'étranger, en raison du fait qu'ils pourraient être exploités au Canada.

Commentaires du CCR

Le CCR s'oppose à ces modifications. Elles donneraient aux agents des visas le pouvoir de décider quelles personnes doivent être tenues à l'écart de notre pays, dans leur propre intérêt. Ça toucherait pour la plupart des femmes. Les modifications n'abordent pas le problème fondamental de l'existence au Canada d'emplois qui exposent les travailleurs à l'humiliation et à un traitement dégradant. Ainsi, elles ne protègent pas les droits des personnes ayant subi la traite à l'étranger et celles qui sont déjà au Canada.

Les commentaires du CCR sont disponibles à : <http://ccrweb.ca/fr/commentaires-projet-loi-c-10-traite-personnes>.

B. PROPOSITION POUR DES AMENDEMENTS LÉGISLATIFS VISANT À ASSURER LA PROTECTION DES PERSONNES AYANT SUBI LA TRAITE

Le CCR demande des mesures qui assureront une protection adéquate des droits des personnes ayant subi la traite au Canada, notamment par le biais d'un amendement législatif. Une *Proposition d'amendement à la Loi sur l'immigration et la protection des réfugiés* a été élaborée afin de présenter des modifications législatives qui assureraient la protection non-conditionnelle des droits des personnes ayant subi la traite, et l'offre d'une protection temporaire et permanente à ces personnes. Le CCR demande aux parlementaires d'agir afin qu'elle devienne loi.

Actuellement les dispositions prévues dans les lois relatives à la traite des personnes soutiennent deux objectifs : a) criminaliser le phénomène de la traite ; b) promouvoir la détention des personnes victimes de la traite. Il n'y a pas de dispositions législatives visant spécifiquement la protection des droits des personnes ayant vécu la traite.

En mai 2006, le gouvernement canadien a émis de nouvelles directives pour la délivrance des permis de séjour temporaire aux victimes de la traite des personnes. Bien que le CCR a salué l'initiative comme un pas positif, le CCR considère que ces directives se sont avérées problématiques et inadéquates pour protéger les personnes ayant subi la traite : elles sont discrétionnaires et ne sont pas toujours offertes aux victimes de la traite; elles imposent un fardeau de preuve déraisonnable aux victimes de la traite; et finalement, l'implication obligatoire

⁸ Fiche d'information disponible en ligne à : http://ccrweb.ca/files/fiche_dinformation_rencontre_traite.nov2011.pdf.

des agences d'exécution de la loi a découragé plusieurs personnes ayant subi la traite de déposer une demande.

La Proposition entière est disponible à : <http://ccrweb.ca/fr/proposition-protection-la-traite>.

C. PLAN D'ACTION NATIONAL POUR LUTTER CONTRE LA TRAITE DES PERSONNES

En octobre 2010, Joy Smith, députée de Kildonan-St. Paul, Manitoba, a proposé un Plan d'action national pour lutter contre la traite des personnes au Canada. Les éléments constitutifs du projet portent sur l'implémentation de mesures préventives et sur la confrontation de la demande de services sexuels et du travail gratuit au Canada et à l'étranger, ainsi que sur la protection des personnes ayant subi la traite et la fourniture de services accessibles gouvernementaux et non-gouvernementaux, sur l'amélioration des efforts en matière de poursuite et sur le renforcement de la collaboration entre les parties intéressées et le gouvernement.

Les recommandations du Plan d'action concernant la **protection des personnes ayant vécu la traite** au Canada incluent :

- Financer suffisamment les ONG pour qu'elles offrent des services, des services-conseil, l'hébergement et du soutien aux personnes ayant subi la traite ;
- Élaborer et mettre en œuvre une politique fédérale visant à aider les non-citoyens canadiens ayant subi la traite à retourner dans leur pays d'origine ;
- Élaborer un mécanisme de référence national pour créer des liens rapides entre les points de service ;
- Créer un poste de rapporteur national indépendant sur la traite des personnes.

Le projet de plan d'action est disponible à :

http://www.joysmith.ca/main.asp?fxoid=FXMenu,7&cat_ID=27&sub_ID=104&sub2_ID=26.

D. PROJET DE LOI D'INITIATIVE PARLEMENTAIRE C-310

Joy Smith a déposée le projet de loi C-310, qui modifierait le Code criminel pour permettre la poursuite des citoyens canadiens ou résidents permanents au Canada, pour des délits relatifs à la traite des personnes commis à l'étranger. Il modifie également la Loi en visant par l'ajout de facteurs que la Cour peut considérer pour déterminer ce qui constitue l'exploitation. Bien que les projets de loi d'initiative parlementaire soient rarement adoptés, les députés libéraux et NPD ont exprimé à la Chambre un certain appui au projet de loi.